



A G E N D A

**General Plan/LCP Implementation Committee
April 21, 2010
3:30 p.m.
Central Library, Friends Room**

- | | |
|---|-------------|
| 1. Approve Action Minutes from March 31, 2010
Attachment No. 1 | 3:30-3:35pm |
| 2. Draft Zoning Code Review and Processing
Attachment No. 2 | 3:35-4:00pm |
| 3. Fair Share Fee Update
Attachment No. 3 | 4:00-5:00pm |
| 4. Future Meeting Dates – Schedule Dates | 5:00-5:10pm |
| 5. Items for Future Agenda | 5:10-5:20pm |
| 6. Public Comments on non-agenda items | 5:20-5:30pm |
| 7. Adjourn | |

Attachments:

1. Draft Action Minutes from March 31, 2010
2. Draft Zoning Code –Memo to Committee
3. Fair Share Fee Update Materials

*The Draft Zoning Code (Third Public Draft) was previously distributed and is available on-line at: <http://www.newportbeachca.gov/index.aspx?page=1478> or contact the Planning Department at 949-644-3200.

Attachment No. 1

Draft Action Minutes from March 31, 2010



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the Fire Conference Room, City of Newport Beach, on **Wednesday, March 31, 2009**

Members Present:

X	Ed Selich, Mayor, Chairman
X	Leslie Daigle, Council Member
X	Don Webb, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
E	Michael Toerge, Planning Commissioner

Advisory Group Members Present:

X	Mark Cross
	Larry Frapwell
	William Guidero
X	Ian Harrison
X	Brion Jeannette
	Don Krotee
X	Todd Schooler
	Kevin Weeda
	Dennis Wood

Staff Representatives:

X	Sharon Wood, Assistant City Manager
E	David Lepo, Planning Director
X	Leonie Mulvihill, City Attorney
X	James Campbell, Principal Planner
X	Gregg Ramirez, Senior Planner
X	Melinda Whelan, Assistant Planner

E = Excused Absence

Committee Actions

1. Agenda Item No. 1 – Approval of minutes for March 17, 2010.

Action: The following revision to the draft minutes was proposed by Committee Member Hawkins: Committee Member Hawkins objected to exempting City projects from the provisions of the Zoning Code. Committee approved revised draft minutes.

Vote: Consensus

2. Agenda Item No. 2 – Draft Zoning Code Review and Processing

Action: The Committee reviewed Committee Member Eaton's comments and provided the following action and suggestions:

- Pg. 5-9 and pg.5-11 Section 20.52.020 B. and 20.52.030 B. – staff and OCA will tighten up language
- Pg. 5-28 Section 20.52.070 3.b. – revise sentence “If the applicant does not file the request for reasonable accommodation concurrently with the application for other discretionary permits, then any request for reasonable accommodation shall not be heard until after the decision of the appropriate review authority for the other discretionary permits is final and effective.”
- Pg. 5-56 Section 20.58.080 A.- revise language to say: “A specific plan may adopted only if found consistent with the General Plan”
- Pg. 6-5 20.60.060 A.- strike “Planning” before “Director” to remain consistent throughout
- Pg. 6-12 Section 20.64.030 C.3.a. – in last sentence strike “de novo” and insert “new”
- Pg. 6-22 Section 20.68.060 – strike entire section
- Pg. 7-24 – re-look at definition of “Floor Area, Gross”
- Pg. 7-46 – strike definitions for “Sensitive Habitat Area” and “Sensitive Species”
- Pg. 7-48 – verify the definition of “Story” is consistent with Building Code
- Map B-6 – for 3207 – 3309 Ocean Boulevard add an exception for C Zone to accommodate a covered pathway from garage to house

Action: The Committee requested that staff look into the following items and report back:

- Bring back a summary of changes in response to Tom Matthew's letter and Carol McDermott's e-mail including lighting provisions.

Public Comment on this item:

- Carol McDermott stated that she will have a good example of a photometric study that she can share with the Committee as Fletcher Jones is currently producing one.
- Tom Matthews stated there were two mistakes in his letter and that he had left the details to staff on a voice mail message.

3. Agenda Item No. 3 – Future meeting dates

The next meeting will be scheduled for April 14 or April 21. Staff will announce date within the next week.

Vote: Consensus

4. Agenda Item No. 4 – Items for future agenda

The meetings will continue with the summary of changes in response to Tom Matthew's letter and Carol McDermott's e-mail comments.

5. Agenda Item No. 5 – Public Comments on non-agenda items

None.

Agenda Item No. 6 – Adjourn - Meeting adjourned at 4:53 p.m.

Attachment No. 2

Draft Zoning Code - Memo



PLANNING DEPARTMENT
CITY HALL
3300 NEWPORT BOULEVARD
P. O. BOX 1768
NEWPORT BEACH, CALIFORNIA
92658-8915

Memorandum

To: GP/LCP Committee
From: Planning Department
Date: April 14, 2010
Re: Draft Zoning Code – Revisions for Planning Commission Draft

Staff Revision

Staff recommends that sub-section 20.48.170 C.5 be deleted.

5. Except as otherwise provided herein, there shall be no more than 2 residents in each bedroom, plus 1 additional resident. The Hearing Officer has the discretion to approve additional occupancy upon request by the owner and based upon evidence that additional occupancy is warranted and appropriate for the site. In exercising this discretion, the Hearing Officer shall consider the characteristics of the structure; whether there will be an impact on traffic and parking; and whether the public health, safety, peace, comfort, or welfare of persons residing in the facility or adjacent to the facility will be impacted.

Written Comment Revisions

Staff received written comments and questions from Carol McDermott and CAA Planning in regard to the 3rd public draft. After meeting with Ms. McDermott, staff will make a change to the MU-W1 zoning district to stipulate that residential uses are only permitted above the ground floor, to be consistent with the CLUP.

Following are staff's responses to comments submitted by CAA Planning. The numbers corresponded with the handwritten numbers on CAA's letter dated March 29, 2010 (attached). In summary, staff agrees that revisions are warranted for comment nos. 1, 2, 3, 4, 5, 8, 9, 11, 13, 14 and 15.

1. Retaining walls. Staff will add retaining wall height to the list items that are eligible for relief through review and approval of a modification permit.
2. Lighting standards. Staff recommends the following regulations for outdoor lighting:

20.30.010 – Outdoor Lighting [New]

This Section establishes outdoor lighting standards in order to reduce the impacts of glare, light trespass, over lighting, sky glow, and poorly shielded or inappropriately directed lighting fixtures, and promote safety and encourage energy conservation.

A. General outdoor lighting standards.

1. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
2. Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited, except if approved as an accessory feature on a temporary basis in conjunction with a Special Event Permit.
3. A photometric study may be required as part on an application for a Zoning Clearance if it is determined that there is potential for a negative impact to surrounding land uses or sensitive habitat areas.
4. If in the opinion of the Director, existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

B. **Parking lot light standards.** Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining properties and roadways. To accomplish this, a greater number of shorter light standards may be required as opposed to a lesser number of taller standards.

C. **Outdoor lighting standards for buildings, statues, other man-made objects, and landscapes.** Spotlighting or floodlighting used to illuminate buildings, statues, signs, or any other objects mounted on a pole, pedestal, or platform, or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a building shall be directed downward.

D. **Outdoor recreation/entertainment areas.** Sports courts and similar facilities used for outdoor recreation or entertainment located within a residential zoning district or closer than 200 feet to the boundary of a residential zoning district, shall not be lighted unless a Minor Site Development Review has been approved in compliance with Section 20.52.080 (Site Development Review).

3. Parking (residential). Staff supports not requiring garages for all multi-family projects.

4. **Parking space dimensions.** Note 13 from Standard Plan 805-L-B will be added. Staff will ensure drive aisle and parking aisle dimensions are consistent with Public Works requirements.
5. **TDM rideshare loading.** Text will be changed as recommended.
6. **Traffic safety visibility.** Where applicable, maximum floor area is determined by buildable area (lot area minus standard setbacks), not traffic safety visibility setbacks.
7. **Landscaping.** The height limit for plant material in a visibility triangle is 24". The 36" requirement is to screen vehicles in a parking lot.
8. **Effective date of permits.** Section 20.54.030 will be revised to indicate that the 15 day time period only applies to discretionary permits.
9. **Review Authority.** Hearing Officer will be added. Director of Public Works and City Traffic Engineer will not be added because they do not have review authority for discretionary applications.
10. **Chapter 20.60.** Not necessary, the Director of Public Works and City Traffic Engineer review standards not discretionary applications.
11. **High rise height limit.** Revision to Exhibit H-1 will be made.
12. **Screening of mechanical equipment.** The Committee deleted a proposed exception. See strikeout at top of page 3-6. No change recommended.
13. **Screening of outdoor storage.** CAA recommendations will be incorporated.
14. **Signs.** Tables will be fixed to eliminate duplicates.
15. **Sign height.** Table will be changed to match requirement on page 3-120; maximum height 8 feet, average maximum height 6 feet.
16. **Sign ratio.** Leave current ratio as is. If relief from this standard is necessary, applicant may request Comprehensive Sign Program or Innovative Sign Program to allow deviation.



CAA PLANNING

March 29, 2010

Mr. Gregg Ramirez, Senior Planner
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

Subject: City of Newport Beach – 3rd Draft Zoning Code Update Review Comments

Dear Mr. Ramirez:

This letter is a follow-up to my comments to the GP/LCP Implementation Committee at the conclusion of the March 17th meeting to review the 3rd draft of the City's Zoning Code. As you know, we have been monitoring the Committee's on-going review of the staff and consultant efforts to update the Zoning Code. Over the last year, you have met with us separately to answer questions regarding the update process and changes proposed. As a result, your input has helped reduce the number of questions that we otherwise would have brought to the Committee. We appreciate all the hard work that has gone into this process. Below we have identified several issues that we feel are significant and we now wish to bring to the Committee's attention:

- ① • **Retaining Walls** - page 3-9 - We believe that providing clarification that a retaining wall may exceed 8 feet when an integral part of a principal structure is appropriate. However, there may be instances where a retaining wall needs to be in excess of 8 feet to achieve a superior design or to accommodate site constraints. As an example, could the retaining wall on the Mariner's Mile portion of West Coast Highway be built under this new standard? For reference, we have included photographs showing examples of existing walls throughout the City that we believe could not be constructed under the proposed required maximum height of 8'.

It is suggested that in instances where a retaining wall is proposed in excess of 8', the applicant process a modification permit to be reviewed by the Director of Public Works. In so doing, the applicant must demonstrate that a wall height in excess of 8' achieves a superior overall site design and addresses aesthetic considerations.

- ② • **Lighting Standards** - page 3-22, Section 20.30.070 B.4 - The proposed new lighting standards could require site lighting of between 2.5 foot candles and 20 foot candles. We respectfully point out that 1 foot candle is the equivalent illumination of twilight. At that level of illumination an individual casts his or her own shadow. We believe that 2.5 foot candles may be excessive in a given situation and 20 foot candles (equivalent to an office lobby) for high security areas may create challenges to confine the illumination to the site. This can also create security issues where a person standing just outside the lit area may not be visible. We believe that each major project should have the flexibility/choice to prepare a photometric study to demonstrate compliance with the City's goal of providing safety without destroying the ambiance that can be created by appropriate lighting. However, should the City not agree to a requirement to prepare a photometric study, we offer the following specific comments:
- Section A.1 – Does the requirement that parking lot fixtures and light fixtures on buildings be cut off fixtures limit the use of decorative fixtures on buildings?
 - Section A.2 – Please clarify whether the City must approve the use of metal halide or LED.
 - Section B.1.b – We discussed these standards with a registered professional electrical engineer and he raised a question as to whether the values recommended are consistent with the Illuminating Engineering Society of North America. (IESNA). According to the consultant: "The 2.5 to 1 maximum to minimum is an unusual uniformity metric. We typically see a 20 to 1 maximum to



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minimum or a 5 to 1 average to minimum restriction. The proposed value is approximately 2 times more uniform than what we typically provide – as well as what the IESNA recommends. This will add construction costs.”

- Section B.1.c. – The lighting engineer has commented that 20 footcandles average would be approximately 5.0 footcandles minimum resulting in even more restrictive uniformity requirements.
- Section B.4. – “A photometric plan certified by a licensed lighting engineer. . .” Suggest the term read “registered professional electrical engineer.”
- Section D – Outdoor lighting standards for buildings, statues, other man-made objects and landscapes - The registered professional electrical engineer feels that interpreting the actual code values as applied in this section would be very difficult. Would the City require a photometric plan to document consistency with the intent of this Section?

- ③ • **Parking** - page 3-30, Section 20.40.040, Table 3-10 – There is a substantial change to residential parking in the proposed Zoning Code for multi-family residences which now requires that two spaces for each unit be in a garage. In our experience, most people do not use their garages for vehicle parking, but rather for personal storage. As a result, there may actually be more vehicles on the street and in guest parking spaces under this requirement. We are aware of other jurisdictions requiring a higher parking ratio for multifamily developments with garages for the stated reason that people do not use their garages for the intended use. We believe this issue should be carefully considered before requiring parking in garages for all multi-family developments.

- ④ • **Parking Space Dimensions** – page 3-86 – Table 3-13, Standard Vehicle Space Requirements, portrays the dimensional requirements for parking spaces, including a note requiring additional width when the parking space abuts an obstruction. This requirement is clearly based on note 12 from the City’s current Standard Plan 805-L-B. However, the requirements do not currently reflect note 13 from the same Standard Plan. Therefore, it is recommended that note 1 from Table 3-13 be modified to reflect the minor exception allowed by note 13 for the front corners of the spaces.

- 1) When the length of a parking space abuts a column, or similar obstruction (with the exception that they will be allowed within a 1.5 square foot area at the front corners), the required width of the space shall be increased to 9 feet.

In addition, we would like your consideration for changing Table 3-13 so that the 90 degree angle requirements read as follows:

Angle	Stall Width	Stall Depth	Stall Length	Aisle Width One-Way	Aisle Width Two-Way
90	8 ft. 6. in.	18 ft.	18 ft.	26 ft.	24 ft.

An 18’ stall depth provides assurance that ADA requirements can be met and the 24’ aisle width provides flexibility for design, particularly in instances where these standards are applied to parking structures.

- ⑤ • **TDM Rideshare Loading Requirements** – page 3-149, Section E – It is recommended that the requirement to establish the extent of the loading area be treated in a similar manner to the other site development requirements (22.44.050). Therefore, it is recommended that the following modification be incorporated:



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Rideshare vehicle loading area. A rideshare vehicle loading area shall be designated at a location approved by the City Traffic Engineer. The area shall accommodate a minimum of 2 passenger vehicles ~~for the first 25,000 square feet of development, plus 1 for each 50,000 square feet of additional development or fraction thereof.~~ Additional area may be required by City Traffic Engineer based on the total number of anticipated employees.

- 6 • **Traffic Safety Visibility** - page 3-36 – Question: if a principal permitted use exists within the area proscribed by the proposed setbacks on figure 3-7 and if redevelopment is proposed in the future, does the floor area of the principal permitted use decrease because the prior area is no longer buildable?
- 7 • **Landscaping** - page 3-88 – the requirement that plant material within a traffic sight area of a driveway shall not exceed 36 inches should be reconciled with the height requirement on page 3-38 which specifies a height limit of 30 inches.
- 8 • **Effective Date of Permits** – page 5-41 – Section 20.54.030 states that any permit shall become effective on the 15th day following the date of actual application approval. There needs to be a distinction made here that this section does not include ministerial permits in order to be consistent with Section 20.10.040 on page 1-4. B. Issuance of permits.
- 9 • **Review Authority** - page 7-44 – Question: should “Hearing Officer”, “Director of Public Works” and “City Traffic Engineer” be added to the list of City entities in this definition?
- 10 • **Chapter 20.60** – page 6-3 – Administrative Responsibility – Suggest adding Director of Public Works and City Traffic Engineer duties and functions to this section.
- 11 • **High Rise Height Limit** – page 8-1 – Part 8 – Exhibit H-1 does not reflect the 300’ limit.
- 12 • **Screening for Roof & Ground Mounted Mechanical Equipment** - page 3-5 and 3-6 – Question: If the subject roof and/or ground mounted mechanical equipment is not visible from any public rights of way, or other public property, why is screening required?
- 13 • **Screening of Outdoor Storage** – page 3-7 - Section 20.30.020 B – We suggest adding the following text since screening standards are not listed in Section 20.48.140, contrary to the reference: “Screening of outdoor storage areas shall be accomplished with fences, walls, solid, evergreen hedges or other methods approved by the Department. Chain link fencing with or without slats is not allowed.”
- 14 • **Signs** - Table 3-15 – Page 3-114 appears to be the same as page 3-112, although the regulations are slightly different but not high-lighted as new. Page 3-115 appears to be the same as page 3-113.
- 15 • **Sign Height** – page 3-120 - Section 20.42.080 – We suggest the 6’ maximum average height requirement for monument signs in Item C should be deleted to be consistent with Table 3-16 on page 3-112 and to be consistent with the treatment of the regulations for a pylon sign, which has no average height limit.
- 16 • **Sign Ratio** – page 3-121 - Section 20.42.080 – We suggest the 1.5 to 1.0 maximum ratio for monument signs be deleted to allow long, short signs.

Attached for your reference is a list of typographic errors we noted during our review.



Mr. Gregg Ramirez
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We appreciate the opportunity to submit these comments and issues on 3rd Draft of the Zoning Code update and will look forward to your response. Thank you.

Sincerely,

CAA PLANNING, INC.

Thomas B. Mathews

Attachments: Wall Photographs
Typographic Error List

cc: Dan Miller
Dan Dickinson
Mike Erickson
Sharon Wood
James Campbell
Shawna Schaffner

Attachment No. 3

Fair Share Fee Materials

[Download Staff Report](#)

[Download Appendix A](#)

[Download Appendix B](#)